

Serial No.: 10/036,982
Attorney Docket No.: F-423

Patent

REMARKS

1. Status of Claims

Claims 1-15 were pending in the Application. The Examiner withdrew claims 12-15 from consideration. Applicants have amended claims 1 and 5. Applicants have canceled claims 12-15 without prejudice or disclaimer. Applicants respectfully requests entry of the above amendments and consideration of the enclosed remarks. Applicants submit that no new matter is added. Accordingly, claims 1-11 will remain pending in the application.

2. Objection to the Abstract

On page 2 of the Office Action, the Examiner objected to the Abstract of the Disclosure. Applicants have amended the Abstract of the Disclosure and respectfully request that the Examiner withdraw the objection.

3. Rejections under 35 USC § 112

On page 3 of the Office Action, the Examiner has rejected claims 1-11 under 35 U.S.C. 112 as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Applicants have amended claims 1 and 5 for cosmetic reasons. The typographical duplicate word comprising was removed from claim 1. The typographical error in claim 5 was removed and "for the group" amended to "from the group." Applicants respectfully submit that amended claims 1 and 5 satisfy 35 U.S.C. section 112, second paragraph.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-11.

4. Rejections under 35 USC § 102

On page 3 of the Office Action, the Examiner rejected Claims 1-9 under 35 U.S.C. 102(e) as allegedly anticipated by Lopez, et al. (U.S. Published Patent Application No. 2003/0058099A1).

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Applicants respectfully traverse the rejection. However, solely in order to expedite prosecution, Applicants have amended claim 1 to recite: a filtered transition area downstream of the diverter. The amendment is supported at least in the specification at paragraph 48.

Accordingly, Applicants respectfully submit that the rejection is moot and respectfully submit that claims 1-9 are patentable over the cited reference. Furthermore, Applicants reserve the right to pursue claims including those of the scope of original claims 1-9. Should the rejection be maintained, Applicants reserve the right to provide additional evidence such as that under 37 C.F.R. sections 1.131 and 1.132.

Claims 2-9 depend directly or indirectly from the respective independent claims and are patentable over the cited reference for at least the same reasons.

Accordingly, Applicants respectfully submit that the rejection is moot and request early and favorable consideration of the invention as presently claimed in claims 1-9. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection to claims 1-9.

5. Rejections under 35 USC § 103(a)

On page 4 of the Office Action, the Examiner rejected Claims 1-10 under 35 U.S.C. 103(a) as allegedly rendered obvious by Lopez, et al. (U.S. Published Patent Application No. 2003/0058099A1) in view of U.S. Patent No. 6,169,936 to Lohmann (Lohmann '936) and U.S. Patent No. 6,303,889 to Hayduchok, et al. (Hayduchok '889).

Applicants respectfully traverse the rejection. However, solely in order to expedite prosecution, Applicants have amended claim 1 to recite: a filtered transition area downstream of the diverter. The amendment is supported at least in the specification at paragraph 48.

Accordingly, Applicants respectfully submit that the rejection is moot and respectfully submit that claims 1-10 are patentable over the cited references.

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Furthermore, Applicants reserve the right to pursue claims including those of the scope of original claims 1-10. Should the rejection be maintained, Applicants reserve the right to provide additional evidence such as that under 37 C.F.R. sections 1.131 and 1.132.

Claims 2-10 depend directly or indirectly from the respective independent claims and are patentable over the cited reference for at least the same reasons.

Accordingly, Applicants respectfully submit that the rejection is moot and request early and favorable consideration of the invention as presently claimed in claims 1-10. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection to claims 1-10.

On page 5 of the Office Action, the Examiner rejected Claim 11 under 35 U.S.C. 103(a) as allegedly rendered obvious by Lopez, et al. (U.S. Published Patent Application No. 2003/0058099A1) in view of Call, et al. (U.S. Published Patent Application No. 2002/0124664A1).

Applicants respectfully traverse the rejection. However, solely in order to expedite prosecution, Applicants have amended claim 1 to recite: a filtered transition area downstream of the diverter. The amendment is supported at least in the specification at paragraph 48. Claim 11 depends indirectly from claim 1.

Accordingly, Applicants respectfully submit that the rejection is moot and respectfully submit that claim 11 is patentable over the cited references. Furthermore, Applicants reserve the right to pursue claims including those of the scope of original claim 11. Should the rejection be maintained, Applicants reserve the right to provide additional evidence such as that under 37 C.F.R. sections 1.131 and 1.132.

Accordingly, Applicants respectfully submit that the rejection is moot and request early and favorable consideration of the invention as presently claimed in claim 11. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection to claim 11.

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Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection to claims 1-11.

Accordingly, Applicants submit that the invention as presently claimed in claims 1-11 is patentable over the cited references and in condition for allowance.

6. Conclusion Of Remarks

For at least the reasons stated above, it is respectfully submitted that the claims of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

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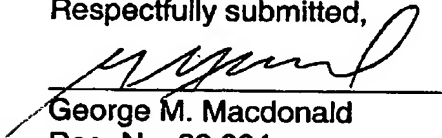
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7. Authorization

No fee is believed due with this Amendment. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-423.

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-423.

Respectfully submitted,



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